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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

(Head notes prepared by M. P. Burks, State Reporter.)

VIRGINIA FIRE & MARINE INS. CO. v. NEW YORK CAROUSAL MANUFACTURING Co.—Decided at Richmond, January 20, 1898. *Reily, J.* Absent, *Cardwell, J.*:

1. APPEAL AND ERROR—*Insufficiency of appeal bond—Motion to dismiss.* A writ of error will not be dismissed for informality in the appeal bond, where the defendant in error has had ample opportunity in which to object to the bond, but has delayed doing so until it is too late to give a new bond, or to award a new writ of error. The objection will be deemed to have been waived.

2. CONFLICT OF JURISDICTION.—*Garnishment—Compulsory payment to creditor—Case at bar.* A garnishee, who, without fault or negligence on his part, has been compelled, by a court of competent jurisdiction, to pay the debt to his creditor, cannot be compelled to pay the same indebtedness or any part thereof to the person suing out the garnishment. In the case at bar the defendant in error, after full disclosures, and without fault or negligence on its part, was compelled by a court of competent jurisdiction, of North Carolina, to pay the debt to its creditor, and cannot now be compelled to pay any part of the same debt to the plaintiff in error, although its attachment was duly levied before the decision in North Carolina was rendered.

BOARD OF SUPERVISORS OF ALEXANDRIA COUNTY v. CITY COUNCIL OF ALEXANDRIA.—Decided at Richmond, January 20, 1898. *Buchanan, J.* Absent, *Cardwell* and *Riely, JJ.*:

1. APPEAL AND ERROR—*Final decree—Decision of principles—Mandamus.* A decree which declines to grant the relief prayed until the legislature enacts a further law on the subject is not a final decree, nor does it adjudicate the principles of the cause. From it no appeal lies. If a decision is desired the proper remedy is by mandamus to compel the trial court to hear and determine the cause.

2. PARTITION—*Public property.* In the absence of special legislation partition cannot be made between a city and a county of public property either by the courts, or by one of the parties against the protest of the other.

3. CONSTITUTIONAL LAW—*Act broader than its title—Partition or sale of property in Alexandria.* The title of an Act of Assembly, entitled "An act to authorize the qualified voters of Alexandria county to vote on the question of the removal of the courthouse from Alexandria city to some point within Alexandria county," is not sufficiently broad to authorize provisions in the act for the partition or sale of the courthouse and jail properties held for the use of the county and city. Those provisions are in conflict with Article V, section 15 of the Constitution, which provides that "no law shall embrace more than one object, which shall be expressed in its title."